

SOLID WASTE DISPOSAL ACT8-26. Administrative Enforcement: Agency Representation in Hearings and Signing of Consent Agreements

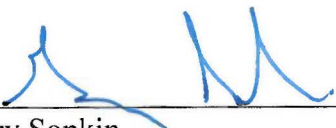
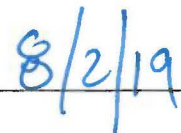
1. **AUTHORITY.** Pursuant to Subtitle I of the Solid Waste Disposal Act, as amended, to
  - a. Represent the U.S. Environmental Protection Agency in administrative enforcement actions;
  - b. Negotiate and sign consent agreements between the EPA and respondents resulting from such enforcement actions;
  - c. Initiate an appeal from an administrative determination;
  - d. Represent the agency in such appeals; and
  - e. Assign appropriate personnel to perform the functions specified in paragraph (a).
2. **TO WHOM DELEGATED.**
  - a. Regional counsel, for all authorities other than signing consent agreements.
  - b. Director, Enforcement and Compliance Assurance Division, for signing consent agreements.
3. **LIMITATIONS.**
  - a. Any official exercising this authority may do so only for those cases initiated by the region.
  - b. Any official initiating an appeal or determining that an appeal is unnecessary for an adverse decision must obtain the advance concurrence of the assistant administrator for the Office of Enforcement and Compliance Assurance or designee and the ECAD director or designee.
  - c. Any official exercising authorities 1.a. through 1.d. at a federal facility must consult in advance with the AA for OECA or designee.
  - d. Any official signing a consent agreement must obtain the advance concurrence of the RC or designee.
4. **REDELEGATION AUTHORITY.**
  - a. Authorities 1.a., 1.d., and the authority to negotiate consent agreements in 1.b. may be redelegated to attorneys in assigned cases.
  - b. Authorities 1.c. and 1.e. may be redelegated to the unit chief level, or equivalent, and no further.

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- c. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. **ADDITIONAL REFERENCES.**

- a. Sections 9006 and 9003(h), SWDA.
- b. 40 C.F.R. Part 22.

  
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Gregory Sopkin  
Regional Administrator  
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Date